



TO: WIB Chairs
WIB Directors

FROM: Alan D. Degner
Commissioner

DATE: June 30, 2004

SUBJ: DWD Policy 2004-01
Workforce Investment Act (WIA) Grievance Procedure Policy

RE: Title I, Workforce Investment Act

Frank O'Bannon, Governor
Alan D. Degner, Commissioner
Dept. of Workforce Development
Indiana Government Center South
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An Equal Opportunity Employer

Purpose

To provide the grievance procedure policy for funds under Title I of WIA. For the non-discrimination requirements of WIA, refer to DWD Policy #2002-12.

Rescission

DWD Communication 2002-07, dated December 11, 2002

Content

20 CFR Part 667.600 of the WIA Regulations requires each local area and direct recipient of funds under Title I of WIA to establish and maintain a procedure for resolving grievances and complaints alleging violations of the Act. Each local area and direct recipient must:

- Provide information about the content of the grievance and complaint procedures to participants and other interested parties affected by the local workforce investment system, including One-Stop partners and service providers;
- Require that every entity to which it awards Title I funds must provide the information referred to in the first bullet in this section to participants receiving Title I-funded services from such entities; and
- Must make reasonable efforts to assure that the information referred to in the first bullet in this section will be understood by affected participants and other individuals,

including youth and those who are limited-English speaking individuals. Such efforts must comply with the language requirements of 29 CFR Part 37.35 regarding the provision of services and information in languages other than English. (See DWD Communication 2001-11, dated October 4, 2001, and entitled, "Policy Guidance for Ensuring Access to Services for Persons with Limited English Proficiency.")

Local area and/or direct recipients of Title I WIA funds grievance procedures must include the following elements:

1. Any participant or other interested party alleging a violation of Title I of WIA may file a grievance;
2. Complaints must be filed within 1 year of the alleged violation;
3. Procedures must be provided (or in place) for an informal resolution;
4. A hearing shall be held if the grievance can not be resolved informally. A record (tape or transcript) shall be made of the hearing, and parties shall be provided with a copy of the record upon request;
5. Local entities will have 60 days in which to resolve the grievance;
6. A process, which allows an individual alleging a labor standard violation, may submit the grievance to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the grievance so provides;
7. Grievances may be appealed to the Indiana Department of Workforce Development (DWD) when no decision is reached after 60 days at the local level, or when either party is dissatisfied with the local hearing decision;
8. Appeals should be made to DWD within 10 days of receipt of the adverse decision or within 10 days after expiration of the 60 day period with no decision;
9. The appeal should be sent to DWD; Attn: Equal Opportunity Officer, Legal Support Division; 10 N. Senate Avenue, Room SE105; Indianapolis, IN 46204;
10. The decision of DWD will be issued within 60 days of receipt of the appeal; and
11. The grievance may be elevated to the U. S. Secretary of Labor within 60 days of receipt of the appeal decision. The Secretary will make the final decision no later than 120 days after receiving such appeal.

A copy of the local area grievance procedures shall be sent to DWD's Equal Opportunity Officer. If DWD already has a copy of the current procedures, there is no need to send another. However, if the local area grievance procedures change, a copy of the new procedures shall be sent to DWD's Equal Opportunity Officer.

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Questions concerning the local area/and or direct recipients of Title I WIA funding grievance procedures should be directed to Leslie Fatum, General Counsel, at 317/232-3268.

Effective Date

June 30, 2004

Ending Date

June 30, 2006

Action

The policy should be disseminated to appropriate staff to the Workforce Investment Board, all WIA service providers, all One-Stop partners, and direct recipients of Title I WIA funds for implementation.

ADD:JMB/WIAgrievance.doc